**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 7263 OF 2005.**
**IN**
**CRIMINAL APPEAL NO. 1032 OF 2005**

Vitthal Madhavrao Madle. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri Suresh Bhosale i/by Shri D.M.Mane for the Applicant.

Shri U.V.Nikam, A.P.P. for the Respondent.

**CORAM : ABHAY S.OKA, J.**

**DATED : 18th September, 2006.**

**P.C.:**

1. Heard the learned Advocates appearing for the parties. The Appeal against conviction has already been admitted. The Applicant is Accused No.4 who along with Accused Nos.1 to 3 and 5 and 6 have been convicted for offence punishable under section 395 read with section 398 of the Indian Penal Code. The substantive sentence awarded is of 7 years. From 17th October 2002, the Applicant is in jail. My attention has been invited to the orders dated 22nd December 2004, 1st March 1005 and 13th March 2005 passed by this Court on the application for bail made by the co-accused. By these orders the co-accused have been enlarged on bail in the same case. In this case also the Applicant has already undergone more than 50% of the substantive sentence. There is no material difference between the case of the co-accused

and the present Applicant and hence the Applicant is entitled to be enlarged on bail.

2. Hence the following order is passed:

The Applicant shall be enlarged on bail in the sum of Rs.5,000/- with one or two sureties in the like amount. The bail is granted subject to condition that the Applicant will report at Vashi Police Station at Navi Mumbai twice a month.

**Judge.**